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				DATE MAILED	:
	•				04/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary Examiner Drew E Backer 1761 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Art Unit 1761 - The MAILING DATE of This Communication appears on the cover sheet with the correspondence address - ASHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ediminion of time may be available under the provision of 37 CFR 1.136 (e). In no event, however, may a reply be timely filled when the XIV (b) (with 16 in the mining date of this communication. If NO pared for reply is available under the provision of 37 CFR 1.136 (e). In no event, however, may a reply be timely filled when the XIV (b) (with 16 in the mining date of this communication. If NO pared for reply is applicated pared for reply the provision of 13 CFR 1.136 (e). In no event, however, may a reply be timely filled when the xive the control of the communication of the XIV (b) pared to reply is applicated pared for reply the pared of the post of the XIV (b) and the XIV (b) of the advanced by the control of the communication of the XIV (b) pared to reply is application of the pared to the fill of the communication, even if firely filed, may reduce any reduced and the reply of the advanced pared for reply is application and the third of the advanced pared for reply is application and the replication of the advanced pared for reply is application and the replication and the xiving and the		Amalia di N							
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. Application/Control Number: 09/551,973

Art Unit: 1761

DETAILED ACTION

Claim Rejections - 35 USC § 102

- 1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 - A person shall be entitled to a patent unless -
 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 3-4, 6, 8-9, 11, 13-14, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Barradas [Pat. No. 5,445,061].

Barradas teaches a device and method for making bread comprising a baking chamber (Figure 5, 12), a frame with a base member coupled to a bottom region of the baking chamber (Figure 5, #48, 54, 56), vertically spaced removable trays (Figure 4, #41; Figure 5, #58, 60, 62), a source of heat (column 2, line 45), a container for bread making ingredients (Figure 2, 24), a mixing motor (Figure 2, 14), and mixing the ingredients in the container to form a dough, dividing the dough into portions, and placing the portions into trays (column 2, lines 57-70).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Application/Control Number: 09/551,973

Art Unit: 1761

4. Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barradas.

Barradas teaches the above mentioned concepts as well as racks with holes (Figure 4, 48). It would have been obvious to one of ordinary skill in the art to provide trays with holes in the invention of Barradas since Barradas teaches holes in the racks (Figure 4, 48) and since trays with holes were commonly known and utilized as evidenced by Harrison [Pat. No. 5,588,352] (Figure 6, 36).

- 5. Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barradas in view of Smith-Berry et al [Pat. No. 5,890,421].
- Barradas teaches the above mentioned concepts. Barradas does not teach a handle. Smith-Berry et al teach a bread oven with a rack which has a handle (Figure 1, 30). It would have been obvious to one of ordinary skill in the art to incorporate the handle of Smith-Berry et al into the invention of Barradas since both are directed to bread machines with racks and since the handle taught by Smith-Berry et al would provide an effective and convenient means to remove the racks of Barradas while reducing the chance of burning or injuring the operator.
- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friedrich et al [Pat. No. 5,228,385], Glucksman et al [Pat. No. 5,901,637], Chadwick et al [Pat. No. 2,671,004], Cohn et al [Pat. No. 5,782,174], and Kelsey [Pat. No. 519,580] teach racks and bread making machines.

Application/Control Number: 09/551,973 Page 4

Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

Drew Becker April 11, 2001

> KEITH HENDRICKS PRIMARY EXAMINER